

1 | problem with that. And Mr. May is going to be examined on
2 | this matter -- his testimony on this matter.

3 | JUDGE CHACHKIN: Well, I think that's all it could
4 | come in for is her state of mind.

5 | MR. COHEN: I just wanted to make sure that that was
6 | the purpose for it.

7 | JUDGE CHACHKIN: It can't come in for the fact
8 | whether his advice was correct or not, it comes in just for
9 | her state of mind.

10 | MR. TOPEL: Correct.

11 | JUDGE CHACHKIN: All right.

12 | MR. COHEN: That, that -- well, the fact that the
13 | advice was given and her state of mind, but, but correct, not
14 | to the accuracy or inaccuracy of the advice.

15 | JUDGE CHACHKIN: All right.

16 | MR. COHEN: And then finally, Your Honor, the end of
17 | the paragraph where it states, "And I signed the certification
18 | in absolute good faith," that's a conclusion -- a legal
19 | conclusion that you're going to reach, it's a very important
20 | matter in this case, and I think it's -- it -- there's no
21 | utility to have a self-serving statement like that. It's a
22 | conclusion and it ought not to be permitted.

23 | JUDGE CHACHKIN: Any response?

24 | MR. TOPEL: Yes, Your Honor, it's, it's the
25 | witness's state of mind -- her testimony as to her state of

1 mind, she's subject to cross-examination and I'm sure if she
2 testified that I signed the certifications in bad faith with
3 an intent to deceive the Commission Mr. Cohen would find that
4 relevant. This is just as relevant.

5 JUDGE CHACHKIN: I'll allow it in for, for --
6 dealing with intent solely. Further objections?

7 MR. COHEN: Not till paragraph 42. Again, I want
8 ruling, Your Honor, at the end of paragraph 42 -- rather, on
9 the bottom of page 29, "Mr. May advised me that because a
10 majority of NMTV's directors were minorities NMTV could
11 acquire -- " --

12 JUDGE CHACHKIN: That's, that's just being received,
13 state of mind.

14 MR. COHEN: Very good, Your Honor.

15 MR. SCHONMAN: I have an objection on paragraph 42.

16 JUDGE CHACHKIN: What is it?

17 MR. SCHONMAN: The last sentence appears on
18 page 30, "And if some minority was going to own a station by
19 utilizing this FCC policy I wanted to be the one," quite
20 frankly, I, I just don't know what that means. I, I don't
21 know how it -- I don't see the relevance of that, of that
22 sentence.

23 MR. TOPEL: It relates to her state of mind, Your
24 Honor, that this is a Commission minority policy and her
25 perception as a minority that she could properly avail herself

1 of that policy. It goes to, it goes to her state of mind at
2 the time the Odessa application was filed.

3 JUDGE CHACHKIN: You have any objection to state of
4 mind?

5 MR. SCHONMAN: No, sir.

6 JUDGE CHACHKIN: Be received limited for that
7 purpose.

8 JUDGE CHACHKIN: All right. We're in recess until
9 9:30 tomorrow morning.

10 (Whereupon, hearing adjourned at 4:00 p.m.)
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF REPORTER, TRANSCRIBER, AND PROOFREADER

IN THE MATTER OF TRINITY BROADCASTING OF FLORIDA, INC.

Name AND GLENDALE BROADCASTING COMPANY

MM DOCKET NO. 93-75

Docket No.

WASHINGTON, D.C.

Place

NOVEMBER 30, 1993

Date

We, the undersigned, do hereby certify that the foregoing pages, numbers 371 through 572, inclusive, are the true, accurate and complete transcript prepared from the reporting by ALICE WEHNER in attendance at the above identified proceeding, in accordance with applicable provisions of the current Federal Communications Commission's professional verbatim reporting and transcription Statement of Work and have verified the accuracy of the transcript by (1) comparing the typewritten transcript against the reporting or recording accomplished at the proceeding and (2) comparing the final proofed typewritten transcript against the reporting or recording accomplished at the proceeding.

Dec 6, '93
Date

James H. Lowell
James H. Lowell, Transcriber
Free State Reporting, Inc.

December 10, 1993

Date

Diane S. Windell
Diane S. Windell, Proofreader
Free State Reporting, Inc.

December 10, 1993

Date

Alice Wehner
Alice Wehner, Reporter
Free State Reporting, Inc.

FREE STATE REPORTING, INC.

Court Reporting Depositions
D.C. Area 261-1902
Balt. & Annap. 974-0947